

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL MCCARTHY, <i>et al.</i> ,))
)) CIVIL ACTION NO.
Plaintiffs,)) 1:20-cv-10701-DPW
))
v.))
))
CHARLES D. BAKER, <i>et al.</i> ,))
))
Defendants.))
))

DECLARATION OF DAVID D. JENSEN, ESQ.

I, David D. Jensen, declare as follows:

1. I am counsel for Plaintiffs in the above-captioned matter. I submit this declaration to authenticate various documents cited in the McCarthy Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion to Dismiss (Jun. 5, 2020). I am over 18 years of age and am competent to testify on my own behalf.

2. Attached as Exhibit 1 is a true and correct copy of a press release from Governor Charles D. Baker, dated May 11, 2020. I downloaded this from the following website maintained by the Commonwealth of Massachusetts: <https://www.mass.gov/news/baker-polito-administration-announces-four-phase-approach-to-reopening-and-publishes-mandatory>.

3. Attached as Exhibit 2 is a true and correct copy of the report of the Massachusetts Reopening Advisory Board entitled, "Four-Phase Approach to Reopening Massachusetts," and dated May 11, 2020. I downloaded this from the following website maintained by the Commonwealth of Massachusetts: <https://www.mass.gov/doc/reopening-advisory-board-presentation-may-11-2020/download>.

4. Attached as Exhibit 3 is a true and correct copy of a press release from Governor Charles D. Baker, dated May 18, 2020. I downloaded this from the following website maintained by the Commonwealth of Massachusetts: <https://www.mass.gov/news/reopening-massachusetts-baker-polito-administration-initiates-transition-to-first-phase-of>.

5. Attached as Exhibit 4 is a true and correct copy of the following article: Lena H. Sun, *CDC director warns second wave of coronavirus is likely to be even more devastating*, Washington Post, Apr. 21, 2020. I downloaded this from the following website maintained by the Washington Post: <https://www.washingtonpost.com/health/2020/04/21/coronavirus-secondwave-cdcdirector/>.

6. Attached as Exhibit 5 is a true and correct copy of the following article: Dasia Moore, *With reopening comes the threat of a second wave of COVID-19, scientists warn*, Boston Globe, May 25, 2020. I downloaded this from the following website maintained by the Boston Globe: <https://www.bostonglobe.com/2020/05/25/metro/with-reopening-comes-threat-second-wave-covid-19-scientists-warn/>.

7. Attached as Exhibit 6 is a true and correct copy of the following article: Marc Fortier, *Experts Warn of Second Wave of Coronavirus in Mass.*, NBC Boston, May 26, 2020. I downloaded this from the following website maintained by NBC Boston: <https://www.nbcboston.com/news/local/experts-warn-of-second-wave-of-coronavirus-in-mass/2131053/>.

I affirm all of the foregoing statements under the penalty of perjury under the laws of the United States of America.

Dated: June 5, 2020

/s/ David D. Jensen
David D. Jensen, Esq.

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on June 5, 2020.

/s/ David D. Jensen
David D. Jensen, Esq.